

2013 DRAFTING REQUEST

Bill

Received: **2/1/2013** Received By: **fknepp**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget 267-0370** By/Representing: **Wavrunek**
May Contact: Drafter: **fknepp**
Subject: **Real Estate - miscellaneous** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**
pam.kahler@legis.wisconsin.gov

Pre Topic:

DOA:.....Wavrunek, BB0441 -

Topic:

Land ownership by non-resident aliens

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fknepp 2/1/2013			_____			
/P1	fknepp 2/13/2013	evinz 2/1/2013	rschluet 2/1/2013	_____	srose 2/1/2013		
/P2		evinz 2/13/2013	jmurphy 2/13/2013	_____	lparisi 2/13/2013		

FE Sent For:

<END>

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1/2 ev 2/13/13 *2/13/13* *2/13*

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/?	fknepp	1/1/13 2/1/13					

FE Sent For:

<END>

Knepp, Fern

From: Kahler, Pam
Sent: Friday, February 01, 2013 10:36 AM
To: Knepp, Fern
Subject: FW: Statutory Language Drafting Request - BB0441

Do you have time to take this one, Fern? I wouldn't get to it until later today – after I finish the MAPP redraft.

From: Hanaman, Cathlene
Sent: Friday, February 01, 2013 10:29 AM
To: Kahler, Pam; Knepp, Fern
Subject: FW: Statutory Language Drafting Request - BB0441

I sent this to Becky, but it's real estate. Oops.

From: leah.wavrunek@wisconsin.gov [mailto:leah.wavrunek@wisconsin.gov]
Sent: Friday, February 01, 2013 10:05 AM
To: Hanaman, Cathlene
Cc: Wavrunek, Leah J - DOA; Wavrunek, Leah J - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0441

Biennial Budget: 2013-15

DOA Tracking Code: BB0441

Topic: Ownership of Land

SBO Team: AEJ

SBO Analyst: Wavrunek, Leah J - DOA
Phone: (608) 267-0370
E-mail: leah.wavrunek@wisconsin.gov

Agency Acronym: DATCP

Agency Number: 115

Priority: High

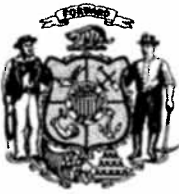
Intent:

Ensure that s. 710.02 does not place Wisconsin law in conflict with the General Agreement on Trade Services (GATS), which is a multilateral trade agreement to cover trade in services. Per the U.S. Schedule of Specific Commitments, there are no restrictions on land acquisition nationally; some states have their own restrictions but they are delineated in the schedule and Wisconsin is not included as one of those states.

The intent of request is to add language to s. 710.02 stating this section only applies if it is not in conflict with a treaty approved by the U.S. Congress.

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE

In 2-1-2013



LRB-146403/P1
FFK:..... RMR
eev

DOA:.....Wavrunek, BB0441 – Land ownership by non-resident aliens
FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

1 AN ACT ^{don't gen} relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Current law prohibits non-resident aliens and corporations that are not created under federal law or the laws of any state from owning more than 640 acres of land in this state. Under this bill, if a treaty or international trade agreement conflicts with this prohibition, the prohibition does not apply.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 710.02^x (9) of the statutes is renumbered 710.02 (9) (a) and amended

3 to read:

4 710.02 (9) (a) ~~APPLICABILITY~~. This Except as provided in par. (b), this section
5 applies to interests in land acquired after July 1, 1982. No interest acquired before
6 July 1, 1982, is subject to divestiture or forfeiture under this section.

1 **SECTION 2.** 710.02 (9) (b) of the statutes is created to read:

2 710.02 (9) (b) This section does not apply to the extent it conflicts with a treaty
3 or international agreement entered into by the United States, including the General
4 Agreement on Trade in Services.

5 (END)

Telephone Call from LEAH 2 DOA
2-13-13

Repeal 710.02
rather than add language
re: treaty or trade
agreement



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1464/P1

FFK:eev:rs

stays

In 2-13-13

DOA:.....Wavrunek, BB0441 - Land ownership by non-resident aliens

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Current law prohibits nonresident aliens and corporations that are not created under federal law or the laws of any state from owning more than 640 acres of land in this state. Under this bill, if a treaty or international trade agreement conflicts with this prohibition, the prohibition does not apply.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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3 to read:
4 710.02 (9) (a) This Except as provided in par. (b), this section applies to
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6 1982, is subject to divestiture or forfeiture under this section.

1 **SECTION 2.** 710.02 (9) (b) of the statutes is created to read:

2 710.02 (9) (b) This section does not apply to the extent it conflicts with a treaty
3 or international agreement entered into by the United States, including the General
4 Agreement on Trade in Services.

5

(END)

INS 2-5

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1464/P2ins
FFK:.....

INS 2-1

x
SECTION 1. 710.01 of the statutes is amended to read:

710.01 Aliens may acquire lands. ~~Subject to the limitations of s. 710.02 an~~
An alien may acquire and hold lands or any right thereto or interest therein by purchase, devise, or descent, and the alien may convey, mortgage, and devise the same; and if the alien shall die intestate the same shall descend to the alien's heirs; and in all cases such lands shall be held, conveyed, mortgaged, or devised or shall descend in like manner and with like effect as if such alien were a native citizen of the state or of the United States.

History: 1993 a. 486.

x
SECTION 2. 710.02 of the statutes is repealed.

x
SECTION 3. 710.03 of the statutes is amended to read:

710.03 Provision not retroactive. The title to any lands conveyed before May 3, 1887, or any lands which nonresident aliens may hold under s. 710.02, 2011
and before the effective date of this section.... [LRB
stats., conveyed since that date shall not be questioned nor in any manner affected insert
date
by reason of the alienage of any person from or through whom such title may have been derived.

END INS 2-1

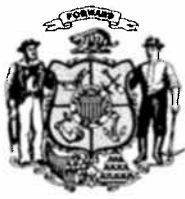
INS 2-5

Section #. 852.03 (6) of the statutes is amended to read:

852.03 (6) TAKING THROUGH OR BY ALIEN. No person is disqualified from taking as an heir because the person or a person through whom he or she claims is not or at some time was not a U.S. citizen. The rights of an alien to acquire or hold land in the state are governed by ss. 710.01

to 710.03. and

~~History: 1993 a. 486; 1997 a. 188.~~



DOA:.....Wavrunek, BB0441 – Land ownership by non-resident aliens

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill eliminates the prohibition under current law against nonresident aliens and corporations that are not created under federal law or the laws of any state owning more than 640 acres of land in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 710.01 of the statutes is amended to read:

3 **710.01 Aliens may acquire lands.** Subject to the limitations of s. 710.02 an

4 An alien may acquire and hold lands or any right thereto or interest therein by

5 purchase, devise, or descent, and the alien may convey, mortgage, and devise the

6 same; and if the alien shall die intestate the same shall descend to the alien's heirs;

1 and in all cases such lands shall be held, conveyed, mortgaged, or devised or shall
2 descend in like manner and with like effect as if such alien were a native citizen of
3 the state or of the United States.

4 **SECTION 2.** 710.02 of the statutes is repealed.

5 **SECTION 3.** 710.03 of the statutes is amended to read:

6 **710.03 Provision not retroactive.** The title to any lands conveyed before
7 May 3, 1887, or any lands which nonresident aliens may hold under s. 710.02, 2011
8 stats., conveyed since that date and before the effective date of this section [LRB
9 inserts date], shall not be questioned nor in any manner affected by reason of the
10 alienage of any person from or through whom such title may have been derived.

11 **SECTION 4.** 852.03 (6) of the statutes is amended to read:

12 **852.03 (6) TAKING THROUGH OR BY ALIEN.** No person is disqualified from taking
13 as an heir because the person or a person through whom he or she claims is not or
14 at some time was not a U.S. citizen. The rights of an alien to acquire or hold land in
15 the state are governed by ss. 710.01 ~~to~~ and 710.03.

16 (END)